

MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE

Santa Fe, New Mexico

March 3, 2003

A regular meeting of the City of Santa Fe Finance Committee was called to order on this date at approximately 5:15 p.m. in City Hall Council Chambers. Roll Call indicated the presence of a quorum, as follows:

Members Present:

Councilor Carol Robertson Lopez, Chair
Councilor Miguel M. Chavez
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor Rebecca Wurzbarger

Members Excused:

None.

Other Councilors Present:

Councilor David Coss

Staff Present:

Ms. Kathryn Raveling, Finance & Budget Division
Ms. Terry Medina, Finance & Budget Division

APPROVAL OF AGENDA

Councilor Ortiz moved approval of the Agenda, as published. Councilor Heldmeyer seconded the motion, which passed 4-0 by voice vote.

APPROVAL OF CONSENT AGENDA

Upon motion by Councilor Ortiz, seconded by Councilor Chavez, the following Consent Agenda was approved 4-0 by voice vote:

6. Bid Openings:
 - A. Bid No. 03/36/B – Buckman Supplemental Wells No. 10-13 Drilling; Layne Western Company.
 1. Request for Approval of Budget Adjustment – Project Fund.
7. Request for Approval of Cooperative Grant Agreement – Buckman Supplemental Wells Nos. 10-13 Project; Bureau of Reclamation.
 - A. Request for Approval of Budget Increase – Grant Fund.
8. Request for Approval of Grant Award – Services for Municipal Court; Supreme Court of New Mexico.
 - A. Request for Approval of Budget Increase – Municipal Court, General Fund.
9. Request for Approval of Amendment No. 1 to Professional Services Agreement – Day Reporting Services for Juvenile Justice Programming; Santa Fe Public Schools.
10. Request for Approval of Amendment No. 1 to Contract – Citywide Water Utility Construction and Repair; Santa Fe Underground, Inc.
11. Request for Approval of Sole Source Procurement and Professional Services Agreements – Fair Housing Initiative Program.
 - A. Neighborhood Housing Services of Santa Fe.
 - B. People of Color With AIDS Foundation/Somos Un Pueblo Unido.
12. Request for Approval of Budget Adjustments; Hardware and Software for Network Upgrade Projects.
13. Request for Approval of Budget Increase – Employee Medical Plan Fund.

APPROVAL OF MINUTES: February 3, 2003

Councilor Ortiz moved approval of the February 3 minutes, as submitted. Councilor Chavez seconded the motion, which passed 4-0 by voice vote.

DISCUSSION AGENDA

Other Financial Information:

A. Update of Santa Fe Municipal Court's Alternative Sentencing Programs.

Municipal Judge Fran Gallegos and Court Administrator Mary Ann Caldwell were present for this item.

Judge Gallegos noted Ms. Caldwell's written report in the packet describing the various alternative sentencing programs. She pointed out that the Home Detention program is very successful, and the Court has instituted two new programs – Literacy and Meditation – in recent months.

Judge Gallegos stated that the Literacy program, designed for first-time offenders ages 18-25 that have not completed high school or obtained a GED, requires offenders to work with a mentor in order to learn literacy skills in order to eventually get a GED. She said the Court works collaboratively with the Community College and has a GED instructor who comes to the Court twice a week. She said offenders are not "off the hook" with the Court until they obtain a GED.

Judge Gallegos stated that a Meditation program has also recently been instituted for offenders 18-25 who have been convicted of an act of violence, i.e., battery, assault, eluding a police officer, etc. She said the program is held in the lobby of the Municipal Court and includes Tai Chi/Qi Gung. She said defenders are required to take a pre- and post anger management test to measure the success of the program. She said offenders are required to attend 24 sessions.

Addressing the Court's efforts to save money and utilize resources, Judge Gallegos said the Court implemented a pre-trial docket about six years ago in order to eliminate the backlog of cases and lessen the possibility of having cases dismissed for failing to meet the Six Month Rule. She said this has had the added benefit of reducing trials to about 1% of the total caseload that comes into Municipal Court because they are resolved at the pre-trial docket. She stated that most cases are pled out with the City prosecutor representing the police officers, and this means police officers do not have to sit in court all day long. She commented that this reduces police overtime and frees up their time so they can be out on the street.

Judge Gallegos also stated that, since July 2000, there has been a noticeable reduction in revenue to the City General Fund through fines and penalties, and consequently there is less revenue in the General Fund to support alternative sentencing programs, including the Home Detention Program. She said that, when cases are clearly within the jurisdiction of the Municipal Court and are being sent to other courts — primarily magistrate court — the fines and fees go to the State coffers instead.

Judge Gallegos said that, with the reduction in caseload, traffic citations have been cut to almost half of what the Court was getting in 2000. She added that there have also been very major reductions in other misdemeanor and criminal cases. She commented that one would conclude that criminal activity is down or that these cases are being cited into other courts.

Judge Gallegos cited the City's "bleak" financial picture as evidenced in last weekend's City Council financial retreat presentations, and said this made it even more crucial that revenues be brought back into the General Fund in order to more effectively utilize the Court's resources (such as alternative sentencing) and reduce incarceration costs and recidivism. She stressed that the defendants pay for these programs.

Judge Gallegos said the Court is hopeful that communication with police officers will improve under the helm of Chief Lennen so that these cases can be cited into the proper arena, since they are clearly under the Court's jurisdiction.

Councilor Ortiz asked Judge Gallegos if she could cite statistics, and Judge Gallegos responded that, since July 2000, traffic citations have gone from 13,000 annually to less than 6,000; misdemeanors have dropped considerably; and DWI has dropped from 500+ two years ago to 158 this fiscal year.

Judge Gallegos stated that Sheriff Solano has pointed out that citations for speeding through construction sites has increased — and while these citations are being issued in city limits, the City is not benefiting from those double fines.

Councilor Ortiz asked Judge Gallegos if the Court has worked with Santa Fe County and the Sheriff's Office as well as the jail administrator to combine resources in terms of alternative sentencing that is taking place at the jail.

Judge Gallegos responded that there may have been discussions, but the Court has not been part of them. She stated that Chief Lennen has indicated that they have discussed rerouting some of the charges to the jail. She commented

that the Municipal Court has been diligent in calling the Police Department's attention to cases where perhaps there is "double dipping" going on, where two or three entities are being billed for the jail time of a single defendant.

Judge Gallegos noted that a new law allows courts to count home detention as mandatory jail time. She stated that, while the Municipal Court's home detention program is \$12 a day and is borne by the defendants, the jail's home detention program is a private enterprise system and they charge the County \$25 per person and the defendants another \$15.

Councilor Heldmeyer noted that City police officers have the option of charging someone who speeds through a construction zone either under City ordinance or State statute, and asked what the advantages and disadvantages were of either.

Capt. Rick Smith clarified that City ordinance does not currently allow for doubling of the fine in construction zones, although efforts are being made to change that in accordance with State Statute. He said people are cited in magistrate court so they can be charged the double fine.

Chair Lopez and Councilor Heldmeyer recalled that the Council already approved that change in a public hearing, and asked staff to consult with the City Attorney.

Capt. Smith added that it is Police Department policy to allow officers to exercise discretion on which court they want to cite someone into; and while the majority of cases are cited into Municipal Court, this has been a point of friction between the Court and the Police Department.

Chair Lopez recommended that the City Manager meet with the City Attorney, Chief of Police and the Court to hammer out how much discretion an individual officer should have. She commented that perhaps there should be stronger guidelines.

Councilor Heldmeyer asked that the results of that meeting be reported to the Public Safety Committee.

B. Special Finance Committee Meetings for FY 2003/04 Operating Budget Review.

Following discussion, the Committee agreed to hold the first two budget hearings on April 21 and 22 at 3:00 p.m.

Ms. Raveling said the fiscal year review will include five-year planning components as a follow up to last weekend's City Council financial retreat.

Ms. Raveling said the Committee could hold its final budget hearing at the regular May 5 or May 19 Finance Committee meeting, for adoption at the May 14 or May 28 City Council meeting.

Chair Lopez asked Ms. Raveling to talk with the City Clerk about the possibility of holding a special Council meeting on May 21 if the May 28 Council agenda was crowded.

Request for Approval of a Resolution Authorizing and Approving Submission of an Executed Agreement for Financial Assistance to the New Mexico Environment Department and Construction Programs Bureau for the Buckman Direct Diversion Project.

Water Resources Projects coordinator Rick Carpenter presented his report to the Committee, stating that this \$50,000 grant would be used for planning and design costs already being incurred for the Buckman Direct Diversion Project.

Councilor Chavez noted that \$10.5 million was reallocated from CIP funding to the San Juan-Chama diversion project, and asked how much of that was left.

Ms. Raveling clarified that those monies went to a variety of different water projects, and she thought about \$6 million had been spent.

Water administrator Maya Martinez said she thought about \$2 million had gone into the Buckman diversion project.

Councilor Chavez suggested that the \$50,000 be used as a credit against the \$10.5 million borrowed from CIP. He recalled discussion at the March 1 City Council financial retreat about ways of paying back the monies over a period of five years.

Ms. Raveling responded that Mr. Carpenter would have to meet with the State on that. She commented that, based on the City's recent experience, the State does not look kindly on the idea of taking grant money allocated for a specific project and assigning it to something else.

Councilor Chavez said he could appreciate that, but pointed out that the citizens are “going without” because the City is shifting a lot of its CIP money to water projects.

Councilor Ortiz moved approval of the resolution. Councilor Wurzburger seconded the motion.

Councilor Heldmeyer commented that \$50,000 is a tiny percentage of this project, and the amount for the Buckman diversion project continues to increase, first from \$60 million to \$80 million, and now she understood it would be \$100 million. She said she would like to hear, at one of the Council Committees, what the City’s plans are.

Councilor Ortiz said he had not heard the \$100 million figure, and asked Councilor Heldmeyer to bring this information forward to the Public Utilities Committee.

The motion passed 4-0 by voice vote.

Request for Approval of Final Implementation – Santa Fe Trails Fare Increase.

Assistant Transit director Wade Havens stated that he understood his report was not in the packet, and Ms. Medina said she distributed copies a few minutes ago.

Councilor Wurzburger asked that this item be postponed so she could have time to study the report.

Councilor Wurzburger moved to postpone to the next meeting. Councilor Ortiz seconded the motion, which passed on a 3-2 vote after Chair Lopez voted with Councilor Ortiz and Councilor Wurzburger to break a tied vote. Voting against the motion were Councilor Chavez and Councilor Heldmeyer.

MATTERS FROM THE COMMITTEE

None.

ADJOURN

Its business completed, the Committee adjourned the meeting at approximately 6:00 p.m.

Accepted by:

Councilor Carol Robertson Lopez, Chair

Reviewed by:

Kathryn Raveling, Finance Director

Submitted by:

Judith S. Beatty, Recorder